

Education & Development

RESOURCES

New Pamphlet on Disability Etiquette

The Judicial Council's Access and Fairness Advisory Committee has produced a pamphlet describing general etiquette for interacting with persons with disabilities.

The pamphlet includes practical tips such as the following:

- The term *handicapped* should be avoided. The preferred term is *people* (or *persons*) *with disabilities*.
- Be aware of the need for clear paths of travel for people who are blind or who use wheelchairs or other mobility aids.
- Do not touch someone's cane, wheelchair, or other assistive device, because it is part of that person's personal space.
- Do not complete sentences for a person with a speech disability unless he or she specifically asks you for help.

The committee encourages each court to offer these pamphlets to court staff and to make them available to the public by displaying them in lobby areas, juror assembly rooms, counters in the clerk's office, and other areas frequented by court users.

The committee has already distributed pamphlets to trial court presiding judges and trial court administrators. The information from the pamphlet is also available on the California Courts Web site at www.courtinfo.ca.gov/programs/access.

• To request additional hard copies of the pamphlet, contact Clifford Alumno, 415-865-7683; e-mail: clifford.alumno@jud.ca.gov.

Serranus Forum on Women of Color

Based on the success of its statewide conference, "New Millennium: Women of Color as Court Leaders and Managers" (held last May in Costa Mesa), the Judicial Council's Access and Fairness Advisory Committee has created a forum on women of color in the courts for the Serranus Web site. Serranus forums are online discussion areas where users can post e-mail messages and create discussion folders on particular topics of interest.

The new forum will focus on women of color who are involved with the California court system as judges, court managers, employees, attorneys, judicial educators, or administrators. It is intended to facilitate further dis-

cussion of the issues affecting such women and the corresponding strategies that were identified at the statewide conference, such as overcoming obstacles to advancement; stereotypes, prejudice, and harassment; and developing mentoring relationships.

The Access and Fairness Advisory Committee's Subcommittee on Women of Color will periodically post on the forum an issue on which it would like feedback from interested participants.

• For more information, contact Donna Clay-Conti, 415-865-7911; e-mail: donna.clay-conti@jud.ca.gov.



New Visitors' Guide to Superior Courts

The Administrative Office of the Courts (AOC) has published and distributed to the courts a concise and easy-to-read brochure summarizing the role and procedures of California's superior courts, titled *A Visitors' Guide to the California Superior Courts*.

The brochure provides court users and visitors with an overview of the trial court process, including information regarding the jurisdiction of the courts, the steps involved in civil and criminal cases, and selection of superior court judges. This brochure, along with the *Visitors' Guide to the Courts of Appeal* and the *Visitors' Guide to the Supreme Court*, completes a three-part series that provides general information on the California court system to the public and users of the courts. In August samples of all three brochures, with instructions on requesting reprints, were distributed to all presiding justices and court executives.

• To request copies of the brochures, please send an e-mail to pubinfo@jud.ca.gov or call the AOC's Public Information Office at 415-865-7740. The series is also available electronically at www.courtinfo.ca.gov/reference/.

Online Case Information for All Appellate Courts

Becoming the sixth and final appellate district to go online, the Fifth District of the Court of Appeal in Fresno is now making case information available to the public on the Internet.

Litigants, attorneys, and the public can now use the Internet to retrieve up-to-date information about all Court of Appeal cases from the First District (San Francisco), Second District (Los Angeles), Third District (Sacramento), Fourth District (San Diego, Riverside, and Santa Ana), Fifth District (Fresno), and Sixth District (San Jose).

The Internet address for the online appellate case information service is <http://appellatecases.courtinfo.ca.gov/>. The content of the site is updated continually throughout the business day. A search for case information can be initiated by supplying the trial or appellate case number, case caption, attorney, or party. In addition, notifications via e-mail of specific case activity can be set up by providing a case number and an e-mail address.

CJER BENCHTIPS

Discovery Procedure Clarified

A judge may allow a party that has failed to serve *any* response to requests for admission to withdraw or amend its admissions even after ruling that the matters in question were deemed admitted. The party may obtain this relief if its failure to respond was the result of mistake, inadvertence, or excusable neglect and caused no substantial prejudice to the propounding party. (*Wilcox v. Birtwhistle* (1999) 21 Cal.4th 973.) Emphasizing the importance of resolving lawsuits on the merits, the Supreme Court rejected the reasoning reflected in six Court of Appeal decisions that had interpreted Code of Civil Procedure section 2033(k) as precluding such relief, and held that section 2033(m) permits it.

According to *Wilcox*, Code of Civil Procedure section 2033 contemplates the following sequence of steps as a "graduated system of enforcement" against the nonresponding party:

- The propounding party serves requests for admission.
- Thirty days elapse without any response.
- As a result, all objections to the requests are waived.
- The propounding party makes a motion that matters be deemed admitted.
- No response to either the requests for admission or the opposition to the motion is served



Even Mayors Must Serve San Francisco Mayor Willie Brown was one of several hundred prospective jurors summoned for jury duty at the San Francisco Superior Court on August 7. Like many other prospective jurors, Mayor Brown was excused on his first day of service in accordance with San Francisco County's one-day/one-trial jury system, in which a prospective juror is excused after one day if not selected for a jury. *Photo: Jason Doiy*

before the hearing on the motion.

- The judge grants the motion and orders that the matters in question be deemed admitted.
- The judge imposes monetary sanctions against the nonresponding party (this is mandatory).
- The nonresponding party makes a motion for leave to withdraw or amend the deemed admissions.
- The nonresponding party establishes that its failure to respond was the result of mistake, inadvertence, or excusable neglect.
- The *nonresponding* party establishes that granting the motion will *not* result in substantial prejudice to the propounding party.

- The judge grants the motion.
- The propounding party is permitted to pursue additional discovery related to the matters that were deemed admitted.

• The judge has discretion to impose additional monetary sanctions in connection with this motion. The Supreme Court's opinion states that the nonresponding party "faces the likely imposition" of these sanctions.

• For further details, see the 2000 update to CJER's civil proceedings benchbook, Discovery section 14.25A. Judges can obtain copies at no charge by contacting Kathy Pearce at 415-865-7805; e-mail: kathy.pearce@jud.ca.gov. ■



Court Clerk Training Institute Court clerks from across the state converged on Stanford University in July to attend the 11th annual Court Clerk Training Institute. The institute offered novice clerks training on proceedings that they would encounter in the courthouse. It also gave more experienced clerks the opportunity to enhance their expertise in areas such as death penalty cases, complex civil litigation, and appeals.



Court Briefs

Access to Justice Award Nominations Due

Nominations for the Benjamin Aranda III Access to Justice Award are due by October 30. Sponsored by the Judicial Council, the State Bar, and the California Judges Association, this award annually honors a California trial judge or appellate justice whose activities demonstrate a long-term commitment to improving access to the courts for low- and moderate-income Californians. It is named for the late Judge Benjamin Aranda III, who was known for his efforts to promote access and fairness in the courts.

The Access to Justice Award was developed by the Bench-Bar Pro Bono Project, whose mission is to educate the bar and the judiciary about the causes of and remedies for lack of access to the courts. This year's award will be presented at the California Judicial Administration Conference, February 1-2, 2001, in San Diego.

● For more information on the Benjamin Aranda III Access to Justice Award, visit the State Bar's Web site at www.calbar.org/2bar/3acc/3accndx.htm or contact Mary Viviano, State Bar of California, 415-538-2000.

Nominations Due for Distinguished Service Awards

September 30 is the deadline for receipt of nominations for the Judicial Council's Distinguished Service Awards—the council's highest individual honor. These awards are presented to judges, court executives, and court leaders who demonstrate extraordinary leadership and make significant contributions to the administration of justice.

Awards are given in the following three categories:

◆ Jurist of the Year Award, honoring members of the judiciary who demonstrate extraordinary dedication to the highest principles of the administration of justice;

◆ Judicial Administration Award, honoring significant contributions to and leadership in the field of judicial administration; and

◆ Bernard E. Witkin Amicus Curiae Award, honoring individuals other than members of the judiciary for their outstanding contributions to the California court system.

The council will present the awards at the California Judicial Administration Conference, February 1-2, 2001, in San Diego.

● For nomination information, contact Claudia Fernandes, Education Division, 415-865-

7799; e-mail: claudia.fernandes@jud.ca.gov.

Comment Sought on Recusal Rules for Justices

The California Supreme Court is seeking comments from trial and appellate judges, court administrators, attorneys, and other interested persons and organizations on proposed amendments to the rules that govern when appellate justices should recuse themselves.

The proposed amendments to Canon 3E of the Code of Judicial Ethics were developed by a special advisory committee appointed by the Supreme Court. The rules would spell out in detail, for the benefit of the courts and the public, the considerations that a justice of the Supreme Court or the Courts of Appeal should make in determining whether he or she should disqualify himself or herself from deciding or hearing a matter. Similarly detailed guidelines already exist for trial court judges.

The proposals have not yet been approved by the Supreme Court and are only being circulated for comment. If the Supreme Court makes the proposed amendments, the effective date will be announced at that time.

An invitation to comment has been mailed to all justices and judges, court administrators, and other interested persons and organizations. The deadline for comments is 5 p.m. on October 1, 2000.

The invitation to comment may be obtained from the Supreme Court Clerk's Office at 415-865-7000 and is available on the California Courts Web site at www.courtinfo.ca.gov/invitations. Send comments to Frederick K. Ohlrich, Clerk, California Supreme Court, 350 McAllister Street, San Francisco, California 94102.

Status Report on Jury Reform

Continuing its efforts to improve the jury system in California, the Task Force on Jury System Improvements, in coordination with the Administrative Office of the Courts (AOC), is conducting a comprehensive survey of jury practices throughout the state.

Jury managers and court executive officers have been asked to provide detailed information regarding all aspects of jury operations, from summonses through postverdict debriefing. Presiding judges have been asked to provide information about jury management practices and judicial training needs.

A portion of the survey asks court administrators for information regarding the one-day/

one-trial system—relatively new in California—in which a prospective juror is excused if he or she is not selected for a jury on the first day of service. In September 1998, then-Governor Pete Wilson signed legislation promoting the one-day/one-trial system; current Governor Gray Davis included funding in his 1999-2000 state budget to help counties implement the system. The survey will provide an update on the system and offer clues about how it is working.

In addition to the one-day/one-trial system, the task force will gather information on other aspects of California's jury system, including juror management, juror security, juror facilities, summonses, hardships, and courtroom conduct.

The jury survey was distributed to the courts on August 24 and was due back to the AOC by September 22. The results are scheduled to be published later in the year; they will be sent to the trial courts and posted on the California jury Web page at www.courtinfo.ca.gov/jury/.

● For more information, contact Kim Taylor, Trial Court Programs, 415-865-7588; e-mail: kim.taylor@jud.ca.gov.



Supreme Court, was honored for his court service as well as his commitment to equal access to justice for all individuals. Prior to his appointment to the bench, he served as director of California Rural Legal Assistance and as associate general counsel to the Equal Employment Opportunities Commission.

Justice Reynoso was appointed to the Supreme Court of California in 1981 and took the oath of office in February 1982. Before his elevation to the Supreme Court, he served as an associate justice for the Court of Appeal, Third Appellate District, from 1976 to 1982.

Court Reporter Rita Bowen won first place in the question-and-answer category and second place overall in the national speed contests conducted by the National Court Reporters Association at its annual convention, which took place in San Diego in July. Ms. Bowen's combined scores in the literary segment, legal opinion category, and question-and-answer section ensured her second-place award.

To qualify in the national speed contests, a court reporter must attain, with 95 percent accuracy, 280 words per minute (wpm) in the question-and-answer section, 230 wpm in the legal opinion category, and 220 wpm in the literary competition. The points awarded in each section determine the winner in that category and help determine the overall winner.

Ms. Bowen, who is assigned to Judge E. Mac Amos, Jr., in the Independent Calendar Civil Department, has reported in the Superior Court of San Diego County for 3 years. She previously reported with private disposition companies for 20 years. ■

MILESTONES

In August, President Clinton awarded former state Supreme Court Justice Cruz Reynoso with the Presidential Medal of Freedom, the highest civilian honor bestowed by the U.S. government.

Justice Reynoso, the first Latino to serve on the California



New Family Law Information Center On July 27, Superior Court of Los Angeles County Judge Dewey L. Falcone, supervising judge at the Norwalk courthouse, helped dedicate the new Family Law Information Center there. The center, the second in Los Angeles County, will provide the public with family law information, referrals, legal forms, and procedural guidance. Photo: Courtesy of the Superior Court of Los Angeles County



On July 17, Governor Gray Davis swore in Judge Nho Trong Nguyen as a new judge of the Superior Court of Orange County. Judge Nguyen, who previously served as Deputy Attorney General, is the first Vietnamese-American judge in southern California and the fourth Vietnamese American in the nation to serve as either a state or a federal judge. Judge Nguyen was joined by his wife, Van Bang, and two sons, Martin and Andy. Photo: Courtesy of the Superior Court of Orange County

Judicial Appointments

The Governor announced the following appointments in July and August 2000.

COURTS OF APPEAL

Robert M. Mallano, of the Superior Court of Los Angeles County, to Associate Justice of the Court of Appeal, Second Appellate District, Division One (Los Angeles), succeeding William A. Masterson, retired.

Kathryn Doi Todd, of the Superior Court of Los Angeles County, to Associate Justice of the Court of Appeal, Second Appellate District, Division Two (Los Angeles), succeeding John (Jack) Zebrowski, retired.

TRIAL COURTS

Lee Smalley Edmon to the Superior Court of Los Angeles County, succeeding G. William Dunn, retired.

William H. Follett (winner of March 7 election) to the Superior Court of Del Norte County, succeeding Philip Schafer, retired.

Jane L. Johnson to the Superior Court of Los Angeles County, succeeding Jaime Corral, retired.

Nho Trong Nguyen to the Superior Court of Orange County, succeeding Kathleen O'Leary, who was appointed to the Court of Appeal, Fourth Ap-

pellate District, Division Three (Santa Ana).

Gary S. Paer (winner of March 7 election) to the Superior Court of Orange County, succeeding James A. Jackman, retired.

Patricia M. Schnegg to the Superior Court of Los Angeles County, succeeding Gary Feess, who was appointed to the federal judiciary.

Diana M. Wheatley to the Superior Court of Los Angeles County, succeeding Ronald R. Schoenberg, retired.

The following court executive officer has been appointed since July 1.

Rachelle Agatha, Superior Court of Amador County, succeeding Evalyn Ghormley.

Please note that the following newly appointed judges, listed in

the July–August 2000 issue of *Court News*, were elevated to the bench by virtue of their victories in the March 7 election:

Paul Bernal, Superior Court of Santa Clara County

Dolores A. Carr, Superior Court of Santa Clara County

Linda R. Condrón, Superior Court of Santa Clara County

M. Marc Kelly, Superior Court of Orange County

Richard A. Stone, Superior Court of Los Angeles County

Paul Zellerbach, Superior Court of Riverside County ■



Search Back Issues of Court News

Unable to remember which issue of *Court News* contained that feature on drug courts or the timeline “150 Years of the Supreme Court”? *Court News* has tackled this problem by creating a searchable cumulative index of its articles, which is now available online. Located at www.courtinfo.ca.gov/courtnews/, the index lists article topics alphabetically along with the issue and page number where each article can be found. The earliest issue included in the index is January–February 2000, and later editions will be added throughout the year.

Getting in Touch

Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, CA 94102-3660

CALIFORNIA COURTS WEB SITE
www.courtinfo.ca.gov

The area code for the following is 415 except as indicated.

MAIN NUMBER
865-4200

GENERAL PUBLIC INFORMATION and QUESTIONS
865-7740, pubinfo@courtinfo.ca.gov

JOB HOTLINE—Administrative Office of the Courts
865-4369, www.courtinfo.ca.gov/jobs/

JOB HOTLINE—Habeas Corpus Resource Center
865-4314

MEDIA RELATIONS, MEDIA REQUESTS
865-7740

PUBLICATIONS—REQUESTS
865-7740, 800-900-5980,
pubinfo@courtinfo.ca.gov

DIVISION/UNIT
CENTER FOR FAMILIES, CHILDREN & THE COURTS: 865-7739, 865-7569

EDUCATION DIVISION: 865-7745

EXECUTIVE OFFICE: 865-4240, 865-4241
Administrative Support Unit: 865-4211
Appellate Court Services: 865-4250

FINANCE DIVISION: 865-7960
Trial Court Funding: 865-7541, 865-7542

HUMAN RESOURCES DIVISION: 865-4260
Trial Court Assistance Unit: 865-4269

INFORMATION SERVICES DIVISION: 865-7463

JUDICIAL COUNCIL SERVICES: 865-7737
Public Information Office: 865-7740
Research and Planning: 865-7454
Secretariat and Conference Services: 865-7640

OFFICE OF THE GENERAL COUNSEL: 865-7446

OFFICE OF GOVERNMENTAL AFFAIRS:
916-323-3121

TRIAL COURT PROGRAMS DIVISION: 865-7530

BY SUBJECT

Access, fairness, and diversity: 865-7671,
www.courtinfo.ca.gov/programs/access/

Appellate courts, services to

Appellate education: 865-7823, 865-4250

Appellate procedures: 865-7667

Appellate rules: 865-7711

Appointed appellate counsel: 865-4250

California Rules of Court: 865-7681, 865-7690,
www.courtinfo.ca.gov/rules/

Cameras in court: 865-7653

Cameras in court form (requests from media): 865-7734, 865-7726

Comment, invitations to:

www.courtinfo.ca.gov/invitationstocomment/

Court community outreach: 865-7654,
www.courtinfo.ca.gov/programs/community/outreach.htm

Court employees:

www2.courtinfo.ca.gov/tcemployees/

Court facilities: 865-7986, 865-7608,
Task Force on Court Facilities

www2.courtinfo.ca.gov/facilities/

Court interpreters: 865-7599,
www.courtinfo.ca.gov/programs/courtinterpreters/

Drug courts: 865-7632,
www.courtinfo.ca.gov/programs/drugcourts/

Education

Court employees: 865-7745,
jaicinfo@courtinfo.ca.gov

Judges

Programs: 865-7745,
cjerinfo@courtinfo.ca.gov

Publications: 865-7805,
cjerpubs@courtinfo.ca.gov

Videotapes: 865-7792,
cjertapes@courtinfo.ca.gov

Ethics: 865-7799

Family and juvenile law

Center for Families, Children & the Courts: 865-7739, 865-7569,
www.courtinfo.ca.gov/programs/childrenandthecourts/

Access grants: 865-7564

Child support: 865-7685

Court Appointed Special Advocates (CASA) program: 865-7704

Domestic violence: 865-7689

Grants: 865-7557

Mediation/evaluation/alternative dispute resolution: 865-7571

Research, evaluation, and statistics: 865-7555

Standards and programs: 865-7554

Training and education: 865-7556

Forms, Judicial Council: 865-7681,
www.courtinfo.ca.gov/forms/

Judges

Appointments

All levels: Governor's Judicial Appointments Secretary, 916-324-7039

Appellate: Chair, Commission on Judicial Appointments, Supreme Court of California, 350 McAllister Street, San Francisco, CA 94102-3600

Complaints

Sitting: Commission on Judicial Performance, 557-1200

Retired: 865-7638

Judicial Council, services to

Secretariat and Conference Services: 865-7640, jcservices@courtinfo.ca.gov

Jury reform: 865-7588

Legal: 865-7446

Alternative dispute resolution: 865-7691

Civil procedure: 865-7665

Conservatorship: 865-7711

Criminal law and procedure: 865-7688

Delay reduction—civil: 865-7665

Economic litigation: 865-7669

Employment law: 865-7715

Evictions: 865-7711

Guardianships: 865-7711

Labor law: 865-7667

Landlord-tenant: 865-7711A

Probate: 865-7711

Small claims: 865-7665

Standards of Judicial Administration: 865-7681

Strategic planning

Community-focused court planning: 865-7654,
www.courtinfo.ca.gov/programs/community/court_planning.htm

Judicial Council strategic plan: 865-7654,
www.courtinfo.ca.gov/reference/1_annualreports.htm#LeadingJustice

Technology policy and planning: 865-7413

Three-strikes law: 865-7650

Trial courts, services to

Change of venue: 865-7637

Coordination of civil actions: 865-7630

Court administration procedures (court holidays, fax filing, forms, rules): 865-7685

Grant coordination: 865-7453

Human Resources—Trial Court Assistance Unit: 865-4269

Judicial assignments: 865-7638

Judicial benefits: 865-4323

Local rules: 865-7669

Traffic: 865-7611

Trial court funding (AB 233): 865-7583

Unification (SCA 4): 865-7702, 865-7708

Vexatious litigants: 865-7593

Photo: William A. Porter



Calendar

CONFERENCES

SEPT 14–17	California Judges Association Annual Conference, San Diego
SEPT 14–17	State Bar Annual Meeting, San Diego
SEPT 21–23	4th Annual AB 1058 Conference, Sacramento
OCT 18–22	National Association of Women Judges Conference, Los Angeles
OCT 22–24	National Youth Court Conference, Albuquerque
DEC 6–9	Beyond the Bench XII, Universal City

JUDICIAL COUNCIL MEETINGS

All Judicial Council business meetings will be held at the Administrative Office of the Courts in San Francisco.

OCT 27 DEC 15

- Contact: Secretariat and Conference Services, 415-865-7640, or e-mail: jcservices@courtinfo.ca.gov. Judicial Council meeting information is also posted on the California Courts Web site at www.courtinfo.ca.gov/courtadmin/jc/.

JUDICIAL EDUCATION

Programs

OCT 4–6	Appellate Courts Orientation and Institute
OCT 11–13	Retired Judges Institute
NOV 2–3	Computer Class
NOV 12–17	Continuing Judicial Studies Program, Fall Session
NOV 16–17	Computer Class
DEC 14–15	Computer Class

Note: Computer class students must possess a Serranus identification number to participate.

- Contact: Center for Judicial Education and Research (CJER), 415-865-7753.

Orientation

Orientation programs for new trial court judges, commissioners, and referees are scheduled as follows:

OCT 30–NOV 3 NOV 13–17 DEC 11–15

Note: Orientation sessions with insufficient enrollment will be canceled.

- Contact: CJER, 415-865-7745.

ADMINISTRATIVE EDUCATION

OCT 27	Court Staff Training, San Luis Obispo
NOV 12–17	Annual Presiding Justice and Court Executive Program/Court Budgeting, Long Beach
NOV 30–DEC 1	Appellate Staff Continuing Studies Program (location to be announced)

- Contact: Administrative Education, 415-865-7745.

COURT NEWS

is published bimonthly by the Judicial Council of California, Administrative Office of the Courts. It welcomes news about California's courts and their programs, projects, and personnel. Editorial and circulation offices: 455 Golden Gate Avenue, San Francisco, CA 94102-3660, 415-865-7740, e-mail: pubinfo@courtinfo.ca.gov.

© 2000 Judicial Council of California/Administrative Office of the Courts

*Chair, Judicial Council
Chief Justice*
Ronald M. George

*Administrative Director
of the Courts*
William C. Vickrey

Deputy Administrative Director
Dale Sipes

*Public Information Supervisor
Executive Editor*
James Carroll

Managing Editor/Writer
Blaine Corren

Copy Editor
Mary Nelson

Design and Production
Suzanne Bean

This newsletter is printed on
100 percent recycled and
recyclable paper.



COURT NEWS

Judicial Council of California
Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, CA 94102-3660

Visit the California Courts Web site at
www.courtinfo.ca.gov

First Class Mail
U. S. Postage
PAID
San Francisco, CA
Permit No. 925